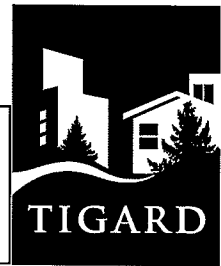


Agenda Item No. 3.1.a  
For Agenda of 11-28-06



## *Tigard City Council Meeting Minutes*

Date: October 10, 2006  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Nick Wilson  
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session		
Briefing on Outreach and Education Meetings with Urban Renewal District Property and Business Owners concerning Land Use and Design Guidelines	<p>Associate Planner Farrelly reviewed this topic with the City Council. Information presented included the following:</p> <ul style="list-style-type: none"> <li>➤ Distributed a letter dated October 6, 2006, signed by Mayor Dirksen inviting involvement in developing new land use regulations for the Downtown Urban Renewal area.</li> <li>➤ The above letter was mailed to 500 people today. The CCAC members and volunteers will follow up to urge people to get involved.</li> <li>➤ The two meetings announced in the letter will be in an Open House format with four information stations set up.</li> </ul> <p>In response to a question from City Manager Prosser, Associate Planner Farrelly advised he had not heard about plans for a convenience store to be located in the downtown.</p>	
Administrative Items	<ul style="list-style-type: none"> <li>➤ Associate Planner Farrelly advised he followed up with an inquiry to Trader Joes and found out they have no interest in opening up a store in the space vacated by Haggens.</li> <li>➤ Tonight's Business Meeting: <ul style="list-style-type: none"> <li>○ Item No. 2 – Citizen Communication –</li> </ul> </li> </ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Tualatin Resource Center Annual Update by Catherine West will be rescheduled.</p> <ul style="list-style-type: none"> <li>○ Item No. 4 – Update on the 41<sup>st</sup> Brigade by the American Legion will be rescheduled due to illness of one of the presenters.</li> </ul> <p>➤ Council discussed the meeting schedule for November, December and January :</p> <ul style="list-style-type: none"> <li>○ Thanksgiving week – The regularly scheduled meeting will be held on Tuesday, November 21 (workshop meeting)</li> <li>○ There will be two business meetings in December, December 12 and 19. The December 26 meeting will be cancelled.</li> <li>○ The January 9, 2007, Council meeting will be held for ceremonial items: oaths of office, election of the Council president, Mayor's State of the City Address, photographs, and a reception for the newly elected Mayor and Councilors. Business items may be scheduled if needed before the next scheduled business meeting of January 23, 2007.</li> </ul> <p>➤ Council tentatively selected December 15, 2006 for its 2007 goal-setting meeting, 1-5 p.m. at Councilor Wilson's home. (Recorder's Note: This meeting was subsequently rescheduled to December 11, 2006, 1-5 p.m., at Councilor Wilson's home.)</p> <p>➤ Councilor Sherwood and Ms. Gretchen Buehner said they would attend the kick-off of the after-school programs. Councilor Woodruff will try to attend. In an e-mail message to the City Manager, Youth Services Officer Huiras advised there will be an assembly at Twality Middle School, 4-5 p.m., October 16, 2006 with a variety of speakers, entertainers, and media representatives.</p> <p>➤ Council members received a copy of an October 10, 2006, memorandum from City Engineer Duenas regarding a meeting with the Congressional delegation arranged by Westside Economic Alliance. Also attached</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>to the memorandum was a flyer announcing the WEA Breakfast Forum Series meeting for October 26, 2006.</p> <p>➤ Community Development Director Coffee introduced the new Long-Range Planning Manager Ron Bunch.</p>	
Executive Session	<p>The Tigard City Council went into Executive Session at 6:45 p.m. to discuss real property transaction negotiations and for consultation with legal counsel regarding potential litigation under ORS 192.660(2)(e) and (h).</p> <p>Executive Session concluded at 7:19 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports</p> <p>➤ Councilor Woodruff announced that the October 31, 2006 5<sup>th</sup> Tuesday City Council meeting was cancelled.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>	
2. CITIZEN COMMUNICATION	<p>➤ Tigard High School Student Envoy Jasmina Dizdarevik presented a City Council Student Report. A copy of her report is on file in the City Recorder's office.</p> <p>➤ Mayor Dirksen announced that Catherine West would not be giving an update on the Tualatin Resource Center. The Center is temporarily closed after a recent break-in and they are looking at other options to relocate.</p> <p>➤ City Manager Prosser gave a follow-up report on previous citizen communication from Mr.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>John Frewing. He noted a citizen had suggested that the City revise its methodology with regard to Parks System Development Charges. The idea was to take into account the future value of land since it takes quite awhile to purchase land. City Manager Prosser said it would be difficult to determine the future real estate market. He explained the valuation methodology the City uses was updated about two years ago to calculate changes in land value, which is a fee formula based on market value. The fee is then multiplied by an average of two indices: one reflecting the change in construction costs and one reflecting changes in land acquisition costs. This information will be forwarded to Mr. Frewing.</p> <p>➤ City Manager Prosser also provided a follow-up report to a citizen inquiry about development on 79<sup>th</sup> Avenue. Community Development Director Coffee and City Engineer Duenas will be meeting with this citizen later this week or next week.</p>	
3. Consent Agenda	<p>3.1 Receive and File:</p> <p>3.1.a Council Calendar</p> <p>3.1.b Tentative Agenda</p> <p>3.2 Local Contract Review Board</p> <p>3.2.a Award contract for Hydrogeologist of Record</p> <p>3.2.b Award Contracts for Traffic and Transportation Engineering Services on an as-Required Basis</p>	<p>Motion by Councilor Harding, seconded by Councilor Woodruff, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson      Yes  Councilor Woodruff   Yes</p>
4. Update on the 41 <sup>st</sup> Brigade by the American Legion	This agenda item will be rescheduled.	

Agenda Item	Discussion & Comments	Action Items (follow up)										
5. Resolution in Support of the Washington County Public Safety Levy	<p>Washington County Sheriff Rob Gordon addressed the City Council on the upcoming election for which there is a County Public Safety Measure (Ballot Measure 34-127).</p> <p>A copy of the slide presentation is on file in the City Recorder's office.</p> <p>The purpose of the levy is to maintain public countywide safety services such as jail, special enforcement teams, prosecutors, juvenile counselors, probation and parole services, emergency communications and emergency shelters for victims of domestic violence such as Tigard's Good Neighbor Center. This is not a new or additional tax. Approval by voters will continue existing levy and budget levels.</p> <p>Sheriff Gordon asked the City Council to support the proposed resolution.</p> <p>Councilor Sherwood thanked Sheriff Gordon for attending tonight's meeting.</p> <p>Mayor Dirksen noted that, while the funding that would be designated for the homeless shelter appears to be a small amount, approximately half of the shelter's budget would come from this resource.</p> <p>Councilor Woodruff also thanked Sheriff Gordon for attending and said it was a good reminder about services offered by the Sheriff's Department enhance the Police Department. Sheriff Gordon reviewed some of those services, which included civil process and service, the county jail, search &amp; rescue, investigations for smaller cities, tactical/swat teams, forensics, major crimes teams, and "cavalry" if more officers are needed for situations in local jurisdictions. A portion of the levy would assist with improvements for the 911 facility.</p> <p>Sheriff Gordon, in response to a question from Councilor Woodruff, advised that there are 14</p>	<p>Motion by Councilor Sherwood, seconded by Mayor Dirksen, to adopt Resolution No. 06-62.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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	<p>patrol districts within the County. The Sheriff's office coordinates with local police agencies.</p> <p>In response to a question from Councilor Harding, Sheriff Gordon explained how he derived the figures he used in his presentation to show statistics on law enforcement services. Councilor Harding noted she would like to be able to see trends for the last three years.</p> <p>Councilor Harding noted the most recent levy expired last June. Sheriff Gordon noted there have been some cost savings because of vacant positions; however, those savings will be gone by December 31, 2006. If the levy passes in November, the Sheriff's office will be able to borrow from the County to continue the current level of service until the new levy becomes effective.</p> <p>Mayor Dirksen added his thanks and noted he appreciated the assistance the Sheriff's Department provides to the police department.</p> <p>The City Council considered Resolution No. 06-62 at this time:</p> <p>RESOLUTION NO. 06-62 – A RESOLUTION SUPPORTING THE LEVY RENEWAL FOR MAINTAINING PUBLIC SAFETY COUNTYWIDE SERVICES – MEASURE 34-127</p>	
<p>6. Update on Proposed Washington County Cooperative Library Services Operational Levy</p>	<p>Library Director Barnes presented the staff report and slide presentation for this agenda item. A copy of the presentation is on file in the City Recorder's office.</p> <p>Mayor Dirksen noted the City Council considered and approved a resolution at a recent City Council meeting. He also noted he is the co-chair of the political committee supporting this measure. Approval of the levy will "go a long way" towards restoring the open hours of the library.</p> <p>Councilor Harding referred to impacts on the</p>	

	<p>General Fund when additional money is needed to fund library operations.</p> <p>Councilor Wilson noted the high level of support the library has within the community. He said he hopes the voters can support this ballot measure in November.</p>	
7. Commuter Rail Update	<p>City Engineer Duenas, and Tri Met staff members Elizabeth Davidson and Steve Witter presented information and a slide presentation to the City Council. A copy of the presentation is on file in the City Recorder's office.</p> <p>Major construction will begin on the Washington County Commuter Rail this fall. This 14.7-mile project is one of the first suburb-to-suburb projects in the country and will provide a critical public transportation alternative to better serve the Westside corridor, connecting the cities of Beaverton, Tigard, Tualatin and Wilsonville.</p> <p>Construction will begin in late October with work beginning in Wilsonville, proceeding north towards Beaverton. Fourteen miles of railroad track will be reconstructed. Construction impacts were reviewed including road closures at railroad crossings.</p> <p>It is anticipated that the project will be completed in mid-2008 with trains beginning operations in the fall of 2008.</p> <p>A groundbreaking ceremony is planned to be held at the Tigard station on October 25. About 600 invitations have been mailed out for the groundbreaking.</p> <p>A review of safety concerns and measures were reviewed. Of primary concern within Tigard are the crossings at Bonita and Main Street. Mr. Witter noted that both commuter and freight trains will be traveling through at greater speeds than what the trains are now going. While the commuter trains will be slowing to stop at the Tigard station, the freight trains will not be</p>	

	<p>slowing down. Medians are proposed at the Bonita Road and Main Street railroad crossings.</p> <p>Mayor Dirksen noted the impacts to businesses, but said the trade-off might be that the traffic flow is improved overall.</p> <p>City Engineer Duenas said he anticipated that a signal will be needed in the future on Tiedeman Street.</p> <p>Discussion followed on potential impacts on traffic during the construction. Once the construction begins, a schedule can be updated regularly and an information line will be set up. Construction activities will be coordinated with schools and emergency services providers.</p> <p>There was discussion on the specialized machine called the P-811 that will be used to do the track reconstruction work. Some track will be left and a clean up plan will be implemented.</p>											
<p>8. Public Hearing (Informational) to Consider Resolution No. 06-63 forming Sanitary Reimbursement District No. 39 (SW Hill View/102<sup>nd</sup> Streets</p>	<p>Mayor Dirksen opened the public hearing.</p> <p>There were no City Council declarations or challenges.</p> <p>City Engineer Duenas presented the staff report and slide presentation for this agenda item. A copy of the presentation is on file in the City Recorder's office.</p> <p>There was no public testimony.</p> <p>Staff recommended that the reimbursement district be approved.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>The Council considered Resolution No. 06-63:</p> <p>A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 39 (SW HILL VIEW STREET, 102<sup>ND</sup> AVENUE)</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve Resolution No. 06-63.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table> <tr> <td>Mayor Dirksen</td> <td>Yes</td> </tr> <tr> <td>Councilor Harding</td> <td>Yes</td> </tr> <tr> <td>Councilor Sherwood</td> <td>Yes</td> </tr> <tr> <td>Councilor Wilson</td> <td>Yes</td> </tr> <tr> <td>Councilor Woodruff</td> <td>Yes</td> </tr> </table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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<p>9. Continuation of Public Hearing from September 26, 2006 (Quasi-Judicial) to Consider the Annexation of the Cach Creek Area (ZCA 2006-00002)</p>	<p>Community Development Director Coffee presented a summary of the staff report. The City Council held a hearing on September 26, 2006, and agreed to continue the hearing to October 10, 2006. Council held the record open for written testimony to be submitted by 3 p.m. on October 3. Additional written testimony was submitted to the City Council in the Council meeting packet and this information is on file in the City Recorder's office.</p> <p>Council members indicated they had reviewed the additional testimony.</p> <p>Attached to these minutes, marked Exhibit A, is the detailed summary of the remarks by the Mayor and City Council members for this matter.</p> <p>After City Council members concluded their remarks, Mayor Dirksen advised the Council would be considering Ordinance No. 06-15.</p> <p>AN ORDINANCE ANNEXING 35.78 ACRES, APPROVING CACH CREEK AREA ANNEXATION (ZCA2006-00002), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT; WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT</p> <p>Before the Council voted, Mayor Dirksen asked City Attorney Ramis if the Council had overlooked any steps needed prior to a vote of the City Council? City Attorney Ramis advised that the Council had taken the proper steps under the statute and now was the time to vote. Also, in response to a question from Mayor Dirksen, City Attorney Ramis confirmed that the hearing had been closed previously.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Ordinance No. 06-15.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen            Yes  Councilor Harding        *Yes  Councilor Sherwood      Yes  Councilor Wilson        Yes  Councilor Woodruff      Yes</p> <p>*Councilor Harding explained at the time of her vote that she was going to say yes, but she also understood that it could be undone by a judge. She said she needed to take a stand on saying this is property that we own, that it is part of our city. She said that if the judge should rule another way, we'll address that then.</p>
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Adjournment	The meeting adjourned at 9:30 p.m.	<p>Motion by Councilor Harding, seconded by Councilor Woodruff to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p> Mayor Dirksen      Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson      Yes  Councilor Woodruff   Yes </p>
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Catherine Wheatley, City Recorder

Attest:

  
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Mayor, City of Tigard  
Date: 11.28.06

Council Comments – Consideration of annexation of the Cach Creek Area (ZCA 2006-0002) – October 10, 2006 (Agenda Item No. 9)

Mayor Dirksen asked if everyone reviewed the testimony received since September 26, 2006. All Council members indicated they had reviewed the testimony. Mayor Dirksen asked for Council comments.

**Councilor Harding**

I think this is a tough one. It's hard, because if the shoe were on the other foot, we would have the same people who were wanting to incorporate saying, "Wait" -- you know, if they were a city this is land that we own that we want to be part of our City and we wouldn't want someone else incorporating and taking part of that. I think we have to be careful in looking what the properties are. We haven't received a lot of testimony from other people. Part of me says what is the harm if we wait until after the election...wait until November. If they should incorporate then go from there and say should we hold onto it or sell it, what could we do. It's kind of tough. I've been on the fence...I can understand both sides. And, I understand our position, too. This is not something that just came about at the time that they filed the petition to incorporate. But, it makes sense to have property that we own in the City in our own City limits. So, with that I think that we also have a judge that is going to be making a ruling that we haven't had come down yet. So, it almost seems regardless of what we decide, it could be undone. Is it really something we have to do tonight, even. Or, should we wait until the judge makes a ruling. Tough call. I have been very undecided to be quite honest.

**Council Woodruff**

Well...as I have said before that I want to make sure that whenever I vote on something that I think it is legal and that I think it is right to do for the people of Tigard. So, I take this very seriously. I have prepared some remarks here related to this and to the process we have been in for the last couple of years regarding issues related to annexation.

I do think that this is a legal act, based on my understanding. But in any case, as Councilor Harding said, a judge is going to rule on that question now that the issue has been given to the court by those people who are opposed to this particular annexation.

The second question, though, is easier for me: Whether it is the right thing to do? I think if you took a survey of the residents of any city, I am convinced that they would agree that property owned by a city should not end up in the city limits of another city. Land and assets purchased by the taxpayers in a city should remain under the local control of that city. That seems like a no brainer to me. I don't see how you can argue on the other side of that.

My support of this proposal is not at all in conflict with my support of the people living in the unincorporated Bull Mountain area. I believe that they have every right to make choices for their future. This Council has publicly stated that incorporation of that area is

a good thing. Since the majority chose not to join the City of Tigard, then incorporating into a new city is a very viable option. We have done nothing to oppose this incorporation vote.

I am disappointed with some of the people that have been out front on this issue for a couple of years and are now leading the charge on this vote by making Tigard and this Council the villain.

They have said things so often and so convincingly that I think many people come to believe the things that have been said are true. I say shame on them for saying in a hundred different ways that Tigard wants to force people to become a part of Tigard. Over the last several years, there has not been one parcel annexed to Tigard against the owner's will.

I say shame on them for saying that all we care about is gobbling up more property just so we can collect more taxes. Ninety percent of the property related to this proposal is owned or controlled by the City of Tigard and it will generate no property tax income whatsoever.

Shame on them for repeatedly saying that this City and Council do not care about the community's quality of life or appearances. The implication is that we don't care about families and that we break the rules so we can crowd as many homes as possible onto every parcel. This is not only untrue, but it is very offensive.

Shame on them for always trying to make it seem that we are the ones that are not cooperating and being reasonable. If there is to be a better dialogue and partnership, then there needs to be compromise on their side as well.

And finally, shame on us for allowing these attacks on us to drain our time, our energy and our resources. We have allowed some non-residents of Tigard to have more power and influence than they deserve to have on this Council.

I support this ordinance and I am hopeful that no matter how the election turns out, the relationship between Tigard and the people of Bull Mountain will improve.

### **Councilor Sherwood**

I am going to support the annexation of this property for the following reasons:

The City of Tigard owns 17.71 acres of this land and, as a City Council we represent 45,500 residents who elected us. For us to leave this land in another city's boundaries would be irresponsible to those citizens. It was the bulk of their money that purchased this land and, as such, they have a vested interest in protecting their purchase. Because of the agreements with Washington County, the City took steps years ago to buy this land when it became available. For many years, the City Council of Tigard had a policy not to purchase land for parks outside the city limits. This instance of Tigard owning land outside this boundary for park land is a good example of why they didn't purchase land

for parks on Bull Mountain. If our efforts to annex this property become void, I would look for input from the citizens of Tigard to determine if they wish to leave their property inside the City of Bull Mountain or sell it. However, with the circumstances what they are now, I am going to vote for this annexation until the courts decide whether we have the right.

As for the olive branch approach – I would suggest that Tigard take the land into the City of Tigard and develop it as park. We have been moving in that direction for years and have been waiting until it had been annexed before developing it. Also, having the Water District property inside our boundaries also gives us the impetus to develop even more park land. If Bull Mountain does incorporate, it would take more than a few years before they would have the available funds to develop parks. We would not be locking up parks to residents outside the City limits, just like we don't do now with our parks. We promised the people on the north side of Bull Mountain that we would build parks and just as they were getting to the point of being able to assemble the land to reach the park land, the new city boundaries of Bull Mountain were drawn. After two years of negotiation, we purchased the Cach property just before Bull Mountain incorporation was legally being petitioned for.

If the people in Bull Mountain are really serious about an olive branch approach, I would offer that the City of Tigard bring the land to be annexed into the city and develop it for park land during the next few years for all of the residents on Bull Mountain. If the incorporation is a positive vote, then we can work together to develop a plan for maintenance of the said park land.

### **Councilor Wilson**

Actually, some of Tom's comments are similar to mine. I don't really want to talk to tonight about the legal issues. Everyone agrees that whether or not the annexation will be allowed to stand will be decided by the courts based on the interpretation of the law.

What I really want to address is the morality of our decision, since it was called into question by Mr. Franzke at the public hearing two weeks ago. Mr. Franzke writes and I quote: "What I want to address is the 'wrongness' of the City's action – it is wrong, wrong, wrong. Has this Council no sense of decency? Has it no respect for the will of the citizens who will be affected by its actions? Must the lust for more tax revenue trump basic fairness? I urge the Council to do the right thing: stop the annexation effort immediately and abide by the outcome of the incorporation vote on November 7<sup>th</sup>."

Now, Mr. Franzke doesn't say why he thinks it is wrong to annex the property. Maybe he thinks it is obvious. It is not obvious to me. I am going to show why, in fact, the opposite is true – that the citizens of - for incorporation of Bull Mountain ought to step aside and let the City of Tigard annex the property. Mr. Franzke, rather than advancing a cogent argument, attacks this City Council saying that we have no sense of decency, no respect for those impacted by our decisions. And then, he suggests a motive – that we lust for tax revenue. Of course, that is ridiculous. There is no tax revenue, this is public land. Was this a mistake by Mr. Franzke? I doubt it. Mr. Franzke is an attorney who

chooses his words carefully. No, I think this is a conscious effort to destroy the credibility of this Council and the City of Tigard. Mr. Franzke is an attorney after all. He is trained to tear down witnesses on the witness stand. In court it is more about winning the argument than getting out the truth. This has been going on for two years. We have been subject to baseless assertions, half-truths, insults, and yes sometimes even lies.

Now, I like to believe the best about people. When people tell me something, I assume they are telling the truth. But, when the same issues are said over and over and over again and you correct them and they still say the same things, I call it what it is – it's a lie.

Since our motives have been called into question, I would like to talk a little bit about what my motives are and it is certainly not a lust for taxes.

I bought my first Tigard house in 1990. Shortly thereafter I was appointed to the Planning Commission. Tigard at that time was a rapidly growing City. At that time, from 1990 to now, one-third of all the houses that are currently standing in Tigard were built – 15 years; one-third. As we sat on the Planning Commission, we saw subdivision after subdivision application come through: Benchview Estates, Morning Star, Hillshire Estates, Quail Hollow, Hillshire Woods, Mountain Highlands, Ravenridge, Arlington Ridge, Eagle Pointe, Whistler's Walk, Daffodil Hill, Pacific Crest, and on and on and on. Most of these subdivisions were on the west part of Tigard moving toward Bull Mountain because that is where the land was. As the development pushed to the City limits and annexations began to occur, it has been alleged that these annexations were forced because of our IGA with Washington County. The Washington County IGA was signed in 1997. In 1996, 18 acres were annexed – all voluntary. In 1995, 25 acres were annexed. In 1994, 76 acres were annexed. These annexations occurred one by one over time, voluntarily as development occurs.

We knew that there was no parks provider in unincorporated Washington County. We knew that there was no legal way to stop or even slow development. We had to get out there in front of development. We had to take action to annex Bull Mountain if there was to be any park land up there at all. We knew we didn't have much time. When we started the process, there were no park advocates from unincorporated Bull Mountain. No one came to us and said they had a concern about development. Unincorporated Bull Mountain was essentially asleep unaware of the onslaught of development that was just about to hit it. The rest is history.

When we began the annexation effort, the tenor of the debate was against the City. It was not particularly *for* anything. They blamed Tigard for all of the ills of Bull Mountain, including the lack of park land. Mr. Franzke, when he testified to the Board of County Commissioners on July 25<sup>th</sup> said, "Here we are after many years of being governed by Washington County followed by almost ten years of governance by the City of Tigard, and we have no parks. So money has gone back and forth. It's gone through system development charges and so on and so forth, but the money has not been spent on Bull

Mountain. And here we are two years after the annexation battle in which parks are a major issue there and still nothing has been done.”

There has never been a parks provider in unincorporated Bull Mountain. Washington County has two parks. One is at Hagg Lake; it’s self-supporting. The other is at Metzger. The little park in Metzger was formed in the 70’s by the citizens there when they formed an LID. They support that themselves with their tax income. Every five to seven years as inflation eats away at their budget, they have another vote to support another increase in the amount that they tax themselves. It’s always been approved. There has never been any County tax money used for parks ever in Washington County.

Secondly, Tigard never governed Bull Mountain in any sense of the word. Tigard administered the zoning and building codes. It is much in the same way that King City hires Parson Brinkerhof to administer their zoning code. No one would say that Parsons Brinkerhof governs King City. Tigard had no authority to change any zones on Bull Mountain. It had no authority to change the code without the County Commissioners voting on it. They collected fees from developers to pay for the administration. Those fees were used for administrative use only.

Mr. Franzke mentioned system development charges. System development charges are collected by the City of Tigard from developers for parks when building permits are issued. No SDC’s were ever collected in the unincorporated area. Mr. Franzke knows this. I believe he intentionally used vague language to mislead. He said – listen carefully to this – “So money has gone back and forth. It’s gone through system development charges and so on and so forth, but the money has not been spent on Bull Mountain.” The implication is that this money was collected from unincorporated Bull Mountain residents and spent elsewhere. It is absolutely not true. Are you outraged Mr. Franzke? Let me tell you who should be outraged – it should be the citizens inside the city limits from whom these fees were collected. Not, from those in the unincorporated areas. It should come from my neighbors, it should come from people like me.

I bought my second Tigard house three years ago. Systems development charges were included in the purchase price and rolled over and I paid them through my mortgage. When I bought my house, this is how much I paid. (At this point Councilor Wilson placed a sum of cash on the desk before him.) That’s \$1700. That’s real money. That’s what I paid for parks. All of the citizens in the unincorporated area together – all together – paid less than this amount – less than one penny. Where’s the outrage? Who deserves the parks – these people or these people?

Who deserves a park? The median household income in Metzger is \$30-40,000. The median household income in Bull Mountain is \$75,-100,000. When people of modest means adopt a can-do attitude, band together and achieve a community goal like the people of Metzger did, they deserve to be commended. When they take care of themselves without asking for a handout, that’s admirable. When wealthy people demand services they did not pay for and indeed refuse to pay for; when they come in

here and demand services from us, that deserves to be condemned. Mr. Franzke, save your lectures about fairness and get out of the way, we have a park to build.

### **Mayor Dirksen**

I appreciate all of things that my fellow Councilors have said. Like Councilor Harding, I was kind of on the fence on this, trying to decide what made the most sense here -- whether we should annex this or not in light of what also is happening on Bull Mountain -- with the incorporation effort and several other things. But also, like Councilor Woodruff, I never had any doubt as to what would be the right thing to do. Sometimes what makes sense and what's the right thing to do isn't the same thing. But, if I have to make a decision between doing something that makes sense and doing the right thing, I'll always pick -- at least I try -- to always pick the right thing. I told my sons when they were growing up, when you have to make a decision and you know what the right thing to do is, but sometimes it doesn't make sense because maybe nobody else is supporting it -- if you decide to do the right thing, later even after everything goes to hell, you can always say, you know what I did was the right thing.

The really sad part about this -- today should be a day of celebration. Today is the day when we get a chance to make a step to fulfill a promise that we made to the people that live on Bull Mountain, both inside the city and outside the city -- that we would do our best to try to figure out a way to provide a park on Bull Mountain. We agreed with everyone that the Bull Mountain area was a park-deficient area. And, our Parks Master Plan recognized that also and for years has shown the need and identity for a park on Bull Mountain. This Council has worked for years in an effort to find and purchase land on the Mountain to provide the people there with a park. The people that were opposed to the City for the annexation effort two years ago were amongst the loudest voices saying that the City should be looking for land on Bull Mountain to build a park. We, since that time -- agreeing with them -- we've made every effort to do so. Now, when we get to the point where we are actually going to do it, we're being opposed, vilified, and punished by those very same people for doing what they asked us to do. That's unfortunate. They have their agenda, they've moved ahead. We have ours as well. They don't match. That's not to be surprising.

This Council -- I feel -- this Council and even the previous Council -- that worked toward a conclusion on Bull Mountain, whether it be an annexation or whatever is appropriate -- has always done so in an effort to do for the community what the community needed. My personal opinion is that the Friends of Bull Mountain and, to some extent, that it is the same people that are the people for incorporation -- what it has always been about for them is not necessarily what the community needed or what anybody needed, but what they wanted -- what they wanted -- those individuals. And, that's unfortunate. But because they have that agenda and because they have that desire, doesn't mean that we need to bend to it. We have no control over what they do and they will ultimately determine their destiny on Bull Mountain. And, we don't know what that will be. But we do know what we can do and what we have control over. And so we can move forward with our plan in that direction. And I think that's what this Council needs to do rather than trying to second guess what may or may not happen -- what other people may



or may not choose to do. But rather, move ahead with what we know and what we are secure in and what we have control over. And one of those things we can do, is move forward toward fulfilling that promise that we promised years ago to provide a park on Bull Mountain. And, for that reason, I would support this annexation as well.

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